

Members

Sen. Connie Lawson, Chairperson
Sen. Rose Antich
Rep. William Crawford
Rep. Mary Kay Budak
Ellen Clippinger
Cheryl A. Seelig
Sven Schumacher
Kimberly Tracy Armstrong
Donald Amos
Nathan Samuel
Marsha Hearn-Lindsey
Barb Schuck
Carol Johnson
Sharon Pierce
James Hmurovich
Mara Snyder
Judy Ganser



BOARD FOR THE COORDINATION OF CHILD CARE REGULATION

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MEETING MINUTES¹

Meeting Date: October 17, 2000
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington St.,
Room 233
Meeting City: Indianapolis, Indiana
Meeting Number: 4

Members Present: Sen. Connie Lawson, Chair; Rep. William Crawford; Rep. Mary Kay Budak; Ellen Clippinger; Sven Schumacher; Donald Amos; Marsha Hearn-Lindsey; Carol Johnson; Sharon Pierce; James Hmurovich; Mara Snyder.

Members Absent: Sen. Rose Antich; Cheryl A. Seelig; Kimberly Tracy Armstrong; Nathan Samuel; Barb Schuck; Judy Ganser.

I. Call to Order

Senator Lawson, Chair, called the meeting to order at approximately 10:00 a.m. and indicated to the Board that a final report draft would be provided towards the end of the meeting. In addition, she reminded the members that a majority will be required at the next and final meeting in order to approve the final report. The Chair then moved to the agenda items, and opened testimony regarding Class I and Class II child care homes.

II. Class I and Class II Child Care Homes

Representative Vern Tinch addressed concerns regarding the Child Care and Development Fund (CCDF) subsidy program in light of current State law (HEA 1374-1996) which allows certain children to be enrolled in licensed Class I child care homes for 285 days a year, but requires families to find alternative summer care for those children during the remaining 80 days of the year.

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

He added that CCDF guidelines do not allow a compromise for parents with school age children who are compelled to change child care providers (CCDF guidelines allow parents to change child care providers only three times while receiving subsidies).

At this time, Representative Tincher presented two pieces of prospective legislation regarding Class I child care homes (Exhibits #1 and 2).

Representative Tincher then addressed topics related to Class II child care homes and the requirement that a person who runs such a home be compelled to live within the structure. He explained that if such a requirement were to be removed, a more effective utilization of Class II child care homes could be realized. He added that there are less than 100 such homes operating currently in Indiana.

At this time, Representative Tincher presented a piece of prospective legislation regarding Class II child care homes (Exhibit #3).

Kerri Jensen, Secretary, Providers' Link Association addressed concerns regarding the CCDF subsidy program in light of parents who are compelled to change Class I child care providers under current State law. Ms. Jensen submitted a handout (Exhibit #4) which describes her testimony more fully and provides additional information regarding the following items: 1) HEA 1374-1996; 2) CCDF subsidy program; 3) cost and convenience of child care; 4) overall effects of changing child care homes; and 5) a Providers' Link Association petition requesting action by the Indiana General Assembly concerning Class I child care homes.

Ann Brooks, Vice President, Providers' Link Association addressed the Board regarding quality child care and the need to improve licensing regulations in the State of Indiana by testifying to the following:

- HEA 1374-1996 is a "stumbling block" for Class I child care home providers.
- Un-licensed facilities are soon to outnumber licensed facilities in Indiana.
- A policy of unannounced visits to child care homes by State licensing specialists should be implemented.
- Certain requirements by the State should be required of all child care homes in Indiana.

Ms. Brooks submitted several handouts (Exhibits #4, 5, and 5a) which describe her testimony more fully and provide additional information regarding the following items: 1) various newspaper articles outlining home child care abuses; 2) HEA 1374-1996; 3) a Providers' Link proposal concerning Class IA child care homes containing a list of prospective requirements; 4) suggestions concerning changes in Indiana child care homes; and 5) a written copy of Ms. Brooks' verbal testimony to the Board given on July 25, 2000.

III. State Funding for Child Care

Caren Marshall, Executive Director, Bridgepointe Center addressed the Board regarding state funding for child care and child care subsidies by testifying to the following:

- The General Assembly should approve a state budget line item to support quality child care funding with a portion designated for children with special needs.
- Family income eligibility guidelines for child care subsidy should be increased for the working poor, and to include families of children with special needs.
- Child care subsidies should provide higher reimbursement rates since present rates are not covering costs of providing child care.
- Indiana should develop a tiered reimbursement scale allowing accredited or specialized programs to receive a higher rate of reimbursement.

Ms. Marshall submitted a handout (Exhibit #6) which describes her testimony more fully and provides additional information regarding childcare services in Clark, Floyd, and Harrison counties.

IV. Child Fatalities/Child Care Needs Assessment/Minimum Standards

Amy Brown, Legislative Liaison, Division of Family and Children, FSSA addressed the Board regarding the following items: 1) child care facility fatalities; 2) FSSA's Child Care Needs Assessment Survey; and 3) child care provider minimum standards.

Child Fatalities Occurring in Child Care Facilities

Ms. Brown submitted a handout (Exhibit #7) which illustrates the number of child fatalities occurring in Indiana from May 1999 to September 2000. In addition, the exhibit provides information regarding the following items: 1) licensing status of the facility; 2) licensing enforcement of the facility; 3) county where the facility is located; 4) date of occurrence; 5) cause of death; 6) age of child; and 7) name of provider.

Child Care Needs Assessment Survey

Ms. Brown then submitted a second handout (Exhibit #8) which outlines FSSA's Child Care Needs Assessment survey tool that is currently being developed with the *IU Center for Survey Research*. Ms. Brown indicated that the survey tool is currently in draft form, and stated that study findings should be available in early 2001.

Minimum Standards

Ms. Brown stated that in response to FSSA's recent intervention, the eight counties currently not yet adopting minimum standards have pledged to do so, and have earmarked CCDF funds to move forward with adoption for the next fiscal year. She added that the public forum process will take place beginning sometime in November of 2000.

V. Seclusion and Restraint in Residential Child Care Facilities

Cathleen Graham, IARCCA an Association of Children and Family Services addressed the Board regarding the Children's Health Act of 2000 and its specific components concerning the use of seclusion and restraints in treatment facilities for children and youth. Ms. Graham stated that Congress recently passed H.R. 4365 (the Children's Health Act of 2000), and that the President of the United States is likely to sign it. She added that the Act would require each state to promulgate rules governing the use of seclusion and restraint guidelines in their respective child care facilities.

Ms. Graham submitted a handout (Exhibit #9) which describes her testimony more fully and provides additional information regarding the following items: 1) an overview of H.R. 4365 including its provisions for non-medical community-based facilities for children; 2) a position statement by IARCCA an Association of Children and Family Services regarding seclusion and restraints; 3) a "best practice" guidelines sheet regarding seclusion and restraint; and 4) a copy of Indiana child caring institution rules concerning reporting requirements, confinement rooms, and mechanical restraints.

VI. Public Testimony

At this time, the Chair asked several individuals from the audience to testify. Testimony was given primarily by parents of children with regards to home day care. Written testimonies as well as copies of Arkansas child abuse and reporting legislation were distributed to the Board in the form

of handouts (Exhibits #10, 10a, 11 and 12).

Background of Potential Day Care Providers

Sandy Walrod, a child day care consumer, addressed the Board concerning her experiences with Brenda Simpson and her child, Jordan. She described how Ms. Simpson is a current suspect in the death of Damon Parker - a child who died while in Ms. Simpson's care.

Ms. Walrod explained to the Board how she arrived at Ms. Simpson's home to find Jordan unresponsive and in a state of trauma. She further explained how Jordan's doctor informed her that Jordan was possibly the victim of shaken baby syndrome.

Ms. Walrod asked that the Board consider changing Indiana law to allow parents the ability to check the background of potential care givers. She stated that she believes if the parents of Damon Parker had been able to do so, that Damon could still be alive today.

Shawn and Amy Gibbons, also child day care consumers, addressed the issue of accessible background information of potential day care providers via testimony concerning their sons Jacob and Jason. Mr. and Mrs. Gibbons outlined the following recommendations to the Board:

- A requirement that all providers be licensed or registered.
- A mechanism to allow ongoing investigations of child abuse with child care providers.
- A child care registry as a resource for parents who are in search of child care facilities.
- A notification mechanism for parents of providers who are suspected of child abuse.

Mr. and Mrs. Gibbons concluded by stating that the current system does not allow for complaints to be noted before a criminal investigation has been completed. They expressed concern that someone under investigation is able to still accept children, even in light of a pending investigation.

Child Care Licensing

At this time, the Chair distributed an e-mail from Patricia Van Leuven, Ph.D., Outcome/Quality Assurance Specialist, Fort Wayne Women's Bureau regarding a program called *Transitions* (Exhibit #13). Dr. Leuven's e-mail outlines the following:

- *Transitions* is a residential treatment and halfway house program for women in early recovery from alcohol/drug addiction. The program allows the women to bring their children (birth through age 10) to stay with them on-site.
- *Transitions* provides 10 hours of day care per week (Monday - Friday).
- Current child care licensing regulations do not fit the program's set-up.
- *Transitions* is a "family-based" care facility with no avenue to become licensed for child care.
- *Transitions* is not able to benefit from CHINs funding by FSSA due to its non-licensed status.

Dr. Leuven ended her e-mail by asking the Chair for input on this issue in order to find a solution.

VII. Committee Discussion

Class I and Class II Child Care Homes

The testimony offered by Providers' Link Association generated Board discussion concerning both Class I and Class II child care homes. The following points were addressed:

- Fire safety as well as the potential increase of the number of children.
- Child care needs with respect to the different seasons of the year.
- Better utilization of Class II child care homes.
- CCDF subsidies and unlicensed child care homes.
- Possible increases in safety regulations.

Child Fatalities in Child Care Facilities and Background Information of Potential Day Care Providers

Testimony by the public concerning the health and safety of children in child care homes generated the following discussion points:

- The Board is in the process of studying the Arkansas child abuse and reporting legislation.
- The Board is committed to acting quickly, and will reflect this in the final report with the following language:

The Board commits to working diligently with parents to address their concerns with being able to access information with regard to abuse or neglect charges against caregivers of their children.

VIII. Discussion of Proposed Legislation

Class I and Class II Child Care Homes

Representative Tincher's proposed legislation regarding Class I and Class II child care homes generated the following discussion:

- Language regarding Class I homes from PD 3087 and PD 3088 (Exhibits #1 and 2) will be combined into one bill draft to be voted on at the final meeting.
- PD 3054 (Exhibit #3) will be modified slightly to be voted on at the final meeting.

School Latch Key Program

Representative Crawford's proposed legislation (PD 3383) regarding School Latch Key Programs was distributed to the Board for discussion (Exhibit #14).

- Requires the contract between a school corporation and an entity providing a program of before and after school care to be in writing.
- Voted to be placed as a recommendation in the Board's final report by consent.

Minimum Standards for Child Care Providers

Representative Budak's proposed legislation (PD 3454) regarding minimum standards was distributed to the Board for discussion (Exhibit #15).

- Provides that a child care provider is ineligible to receive reimbursement through the CCDF voucher program unless the provider meets certain standards.
- Bill draft will be modified to be voted on at the final meeting.

Board for the Coordination of Child Care Regulation

Language by the Chair stating that the Board's life be extended to November, 2004 was distributed

to the Board (Exhibit #16).

- The Board approved the above language, and voted by consent to have a bill draft completed to be included in the final report as a recommendation.

Feasibility Study by FSSA regarding Tier Licensing and Reimbursement

The Chair's proposed legislation (PD 3457) regarding a tier licensing and reimbursement feasibility study was distributed to the Board (Exhibit #17). Discussion was generated concerning FSSA's current efforts to study this topic.

- The Board decided to hold this bill draft as not to impeded FSSA's current study.

IX. Final Business

At this time, the Chair had LSA staff distribute a draft of the final report (reflecting the first three meetings) to the Board (Exhibit #18). The Chair reminded members that a majority will be required at the next and final meeting in order to approve the final report.

There being no further business, the Chair adjourned the meeting at approximately 2:00 p.m.